REMARKS

Reconsideration of this application, as amended, is respectfully requested.

I Status of the Claims

Claims 27, 32, 36 and 38 have been amended.

Claims 27-44 are pending.

Amendments to claims 27, 32, 36 and 38 add no new matter.

II Rejections Under 35 U.S.C. § 112

Claims 27, 32, 36 and 38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that claims 27, 32, 36 and 38 have been amended to recite the proper antecedent basis and distinctly claim features of the invention already present in the claims. The claims were only amended for clarification of the features and the present amendments do not narrow the scope of the claims. Thus, Applicant respectfully requests that the above rejection be withdrawn.

III Rejections under 35 U.S.C. § 102

Claims 27-37 and 42-44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 2,552,987 to Loertz. Claims 27-40 and 42-44 stand rejected under

35 U.S.C. § 102(e) as being anticipated by U.S. Patent 4,402,521 to Mongeon. The Examiner states that both Loertz and Mongeon disclose a pivoting mounting arm and a torsion spring acting about a pivot axis and the wheel follows a non-linear path. Applicant respectfully traverses the above rejection.

Claim 1 recites the feature that "a resilient suspension force is exerted by a torsion spring acting about a pivot axis of the trailing arm." Applicant respectfully disagrees with the Examiner's interpretation of both Loertz and Mongeon. The Examiner contends that both Loertz and Mongeon disclose a torsion spring. However, Collins English dictionary defines torsion as "twisting of a part by the application of equal and opposite torques." Using one embodiment of the present invention as an example, the ends of helical spring 37 form pins 38, 39 that engage holes 33, 40. Helical spring 37 is mounted within arm 26 and arm 26 pivots about a pivot axis. Arm 26 can only rotate about the pivot axis and the twisting action, in torsion, of helical spring 37 resists the rotation of arm 26. In contrast, the springs of both Loertz and Mongeon act only as compressive springs. Loertz discloses "a coiled compression spring 28" and spring 28 is not subjected to any torsional loading. *See*, Loertz, column 3, lines 23-30. Applicant submits that it is impossible for Loertz's spring to be subject to a twisting load while acting to suspend the wheels on supporting lever 24. Loertz's spring only reacts to a linear force i.e. compressive forces, and only responds with a linear force. Thus, Loertz does not disclose a spring in torsion and cannot anticipate the present invention.

Similarly, Mongeon only discloses helical spring 56 in compression. *See*, Mongeon, column 3, lines 59-62. Spring 56 only acts to bias piston 60 and acts entirely in

compression when resisting the movement of the wheels toward the chassis. Again, Applicant submits that the ends of Mogeon's spring 56 are not constrained and are not, nor can they be, torsionally loaded. Mogeon's spring 56 responds solely to linear forces applied by piston 60 mounted in cylinder 46. Thus, Mongeon does not disclose a spring in torsion and cannot anticipate the present invention.

Applicant respectfully submits that neither Loertz nor Mongeon disclose a resilient suspension system wherein the suspension force is supplied by a torsion spring, and neither reference anticipates all of the elements of the claimed invention. Applicant respectfully requests the present rejections be withdrawn.

IV Rejections Under 35 U.S.C. § 103

Claims 27-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over International Application PCT/CA96/00548 to Perlin in view of Mongeon. The Examiner states that Perlin discloses the entire invention except the use of a torsion spring and an adjustable abutment stop and that Mongeon discloses these elements. Applicant respectfully traverses the present rejection.

Applicant submits that neither Perlin nor Mongeon, alone or in combination, teach or suggest the presently claimed invention. Applicant respectfully disagrees with the Examiner in that Mongeon does not disclose a torsion spring and the arguments above, as they pertain to Mongeon, are applicable in traversing this rejection. Additionally, Perlin does not cure the deficiencies in the teachings of Mongeon. Suspension element 42 is made of rubber

or polyurethane and Perlin only teaches that suspension element 42 is subjected to compression stresses. *See*, Perlin, page 5, lines 14-23. Additionally, Perlin's suspension element 42 is pre-compressed by screw 44 and nut 46. Thus, Applicant submits that Perlin's suspension element can only act in compression.

Additionally, Perlin teaches away from using a torsional suspension element because of the screw and nut pre-compression configuration. Perlin discloses pre-compressing the suspension element to adjust the stiffness of the suspension element according to a particular user's requirement. *See*, Perlin pag 5, Line 14-23. Perlin's configuration only applies a compressive force to the suspension element. Perlin's configuration cannot be used to apply a torsional force to the suspension element. Thus, Perlin only teaches one of skill in the art to use a compressive suspension element and is not a proper reference to make a *prima facie* case for obviousness.

Thus, Applicant submits that Perlin and Mongeon, alone or in combination, do not teach and describe all of the claimed features of the invention. Applicant respectfully requests the present rejection be withdrawn.

CONCLUSION

It is believed, for the foregoing reasons, that the claims warrant allowance, and such action is earnestly solicited.

If there are any other issues remaining which the Examiner believes would be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Docket No: 9492/0K958-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Norman BRIDGES

Serial No. 09/403,205 Art Unit: 3627

Confirmation No.: 6976

Filed: December 6, 1999 Examiner: Elaine L. GORT

For: A CARRIAGE FOR A ROLLER SKATE

MARK-UP FOR RESPONSE

March 4, 2003

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

IN THE CLAIMS:

Please amend the claims pursuant to 37 C.F.R. § 1.121 as follows pursuant to § 1.121):

Please replace claims 27, 32, 36 and 38 with the following amended claims 27, 32, 36 and 38.

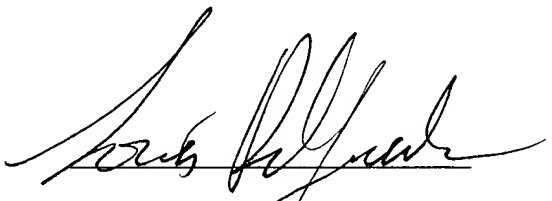
27. (Amended) A carriage for a roller skate in which each wheel is independently suspended on the carriage by a resilient suspension in which the suspension includes means for constraining the wheel to follow a predetermined path with respect to a body of the carriage upon deflection of the resilient suspension and the constraining means comprise one or more pivotally mounted trailing arm for respectively carrying each wheel, wherein [the] a resilient [action of the] suspension force is exerted by a torsion spring acting about [the] a pivot axis of the trailing arm.

32. (Amended) A roller skate carriage as claimed in Claim 27, in which the path of the suspension travel of a wheel varies in direction with a variation in the magnitude of [the excursion] a movement about the pivot axis from a static load position.

36. (Amended) A roller skate carriage as claimed in Claim 27, in which the wheels are carried by respective pivoted trailing arms mounted for rotation about a respective [axes] axis pivotally substantially parallel to [the] an axis of rotation of the wheel carried thereby.

38. (Amended) A roller skate carriage as claimed in Claim 27, in which the resilient suspension force acting on each wheel is independently adjustable by respective adjustment means.

Respectfully submitted,



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